

Meeting Minutes 4/25/11
HDC

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Meeting was called to order at 7:30 PM by Kathy Acerbo-Bachman.

TOWN CLERK, ACTON

Also present were Anita Rogers (AR), Michaela Moran (MM), David Honn (DH), Pamela Lynn (PL) Terra Friedrichs (TF) and David Barrat (DB).

There were no citizens concerns.

DB is, however, concerned that Frank Ramsbottom, Building Director, often alerts HDC by email of new applications for certificates of appropriateness including a site which cannot be opened with out an assigned user name and password for HDC members. KAB will talk to FR about this.

Minutes of 3/22/11 were passed as amended to correct reference to rectangular orientation of the glass panels in the proposed train station. The rectangular orientation was vertical. Minutes of 4/12 were passed as presented unanimously.

WEST ACTION SIGN ENFORCEMENT DISCUSSION: MM took photos of all signs in all three districts and provided them to Scott Mutch for determination, which are in violation. The photos will be matched where possible to sign applications in Docushare to see which signs are in violation of the town's sign bylaw under chapter P. TF will sample the Docushare records for 10 of the signs at or near the Mead Building in West Acton to see how complete the records are and to see how many signs in the sample are in violation. The results will be set up on a spreadsheet with various categories, including, for example, whether an application for a particular sign exists. The results will be the subject for discussion in a subsequent meeting approximately a month from now. Nothing here will be to serve notice on a violator that will trigger commencement of a penalty period.

We need to hold an information session in which the business owners and possibly property owners to discuss the sign by-laws pertinent to Chapter P covering the historic districts. KAB to seek guidance from town counsel and perhaps invite one of them (Nina) to attend. The session will not be for dispensing legal advice regarding the signs but just to be certain that business owners who have signs are familiar with the governing by-laws. We should make a pictorial presentation but be careful not to use any local signs in the presentation that may be deemed in violation. This exercise should last for about an hour to allow time for introduction and for general, hypothetical questions and answers. The session will deal with just the sign violations in the three historic districts, not the entire town. Once we know what issues the business owners have, we can proceed to see what by-law changes can and should be made. The same is true for applicable regulations. AR to do presentation.

8:00PM WAVE: Present were Michael Rosenfeld (MR) and Mathias Rosenfeld (Math). The matter for discussion is WAVE's need for an extension of the Certificate of Appropriateness on Application # 0906 which had been separated into to phases, 0906A and 0906B for the

WAVE project originally granted on June 26, 2009 and extended once on June 26, 2010. The Rosenfelds explain that they are now seeking a second extension as it applies to 0906B, Phase II of the project because the time spent on Phase I, the "Yellow" house and other related structures consumed so much of the past two years leaving no room for work on Phase II. AR had viewed two old buildings on the premises, the white barn and the brown house, which she reported as being dry, tarped and stable. She saw drawings. MR There is nothing new to add to the work as originally described in Phase II. They are just seeking an extension of the CoA for another year.

MM Referring to the notes of the April 12, 2011 meeting and citing in those minutes reported comments of MR indicating that the brown house and white barn will be too expensive to be saved. She is concerned that the two buildings will not be saved. KAB reminded the Rosenfelds that the extension was granted last year based on the original certification assuring that the two buildings, the white barn and brown house, would be preserved. MR It may not be possible to save the two. There is no ulterior motive. They saved the church, the gray house, the red barn and the yellow house. It is possible to save the blue house. However, the brown house and white barn are much more challenging. We will need to make this decision together. KAB repeated her understanding that the two buildings in question would be preserved. MR understands MM's concern. TF is concerned with the original bulk or mass of the project and remembered that the bulk of the building was viewed as acceptable because it was needed for the theater and to support economics required to save the barn. There is need for economic base to make the project feasible. Would the process of the granting of the extension provide an opportunity to add clarification of some of the details associated with Phase II? Is HDC consent for extension applicable only to the concept as originally pictured? Can we seek additional clarity as to details and make them a part of the extension and not something to be discussed as the phase progresses. This would establish at the outset of the extension what the commission expects. KAB This is a questions for town counsel; Can we include additional details as a part of the second extension. Town counsel will likely write the extension or provide guidance as they did the first extension. DH Concerned that WAVE is keeping the buildings free from deterioration. Are there any building issues? AR did not see any damage from vermin. DH Are the buildings currently protected from vandalism? MR When we bought them, they were boarded up and there were at that time signs of vandalism. But there has been nothing since.

DB Has there been anything at all that would indicate that work had been begun on Phase II? If so then perhaps a request for an extension might not be necessary. This is a question to be posed to town counsel. TF We were concerned as to the size of the project but were told that the largest part of the structure was to house a theater which required the height to support rigging for the theater. That has changed; there will be no theater. The change in use has changed the need for such massing. Can the massing be considered as a part of the granting of the extension. KAB We can't factor in use when considering granting the extension. TF is not inclined to extend and wants to document that the use was in fact a consideration, at least a "finding." Can we view the extension process as a way of revising elements in phase II? A question for town counsel. KAB Repeating that part of the CoA and the extension was the assurance from Mike and Mathias Rosenfeld that the white barn and

brown house would be preserved. Perhaps we should bring in experts, structural engineers.

Math. We couldn't guarantee the fate of the white barn and brown house. We have been consistent on this for the past nine years. KAB Harkening back to the assurances stating that she recalled that someone from WAVE said that if we throw enough money we can save anything.

We need to bring in or email by PDF a report or opinion from a structural engineer. TF The "Yellow" house appears to have been leveled. Part was gone-moved to the back parking lot. KAB How much detail or clarification can we include as a part of approving the extension. Math. Regarding the pursuit of the permits relative to Phase II they are all site related and all done except for obtaining the building permit. Does this constitute going forward? A question for Nina to decide. We will return to this matter by the end of May.

AR HDC Lessons learned. The liaison method is a new experience for AR. It is great, helpful to applicants for getting their applications started. It is useful to provide guidelines for the applicants. It is important for all board members to treat the applicants with respect. Some of the applicants for CoAs do not like having someone supervising the alterations they want to make on their own house. It must be realized that there is a mutual investment. Applicants can take advantage of our knowledge of certain materials. Frequent visits to HDC is a source of frustration. We need to keep an image of being a friendly member of the community. KAB There have been things in the past that haven't worked. As to AR's experience in other HDC's it is noted that an HDC member from Concord uttered a negative opinion of alterations being done. It is rare here. There is frustration felt by homeowners with hearing repetitiveness. Owners want a list of materials that are acceptable. MM The applicant from Main Street wanting to replace his windows which was denied liked coming before the HDC, liked the fact finding and dialogue. DH The meeting just one vote gets you off the hook. Should to owner come to those meetings?

AR Comparing Concord vs. Acton. Other practices: Members are commenting that our running the meetings on time is wonderful. The goal is making the project appropriate.

KAB Best practices: Letter to Property owners. KAB will send out an now annual letter to the property owners in the historic districts sometime next week. Members to review last year's letter and offer changes to refine it. Mention the use of liaisons as a part of our practices.

DH The Salem, MA HDC is impressive. They have professional designers. Attended a meeting . They had more staff and more education regarding alteration. Need to tress "repair" and not "replace." We have only 190 properties in our HD's. Need to train the owners not to buy into the "replacement" bill of goods.

KAB reminder that Jean Carroon will be lecturing here on May 16, 2011 in room 204. Need another department or committee to help sponsor the event since it won't be held in the library.

9:15 Letter to Mass Housing. DH is an abutter to the subject property and recused himself. KAB is not within 300 feet of the locus and can stay. Refer to 111-113 School Street. The current owner's plan is to demolish this property under a c. 40B comprehensive permit for low income housing. The house is a unique example of an all-shingled house in Acton and is uniquely American. There are a number of people already living there and likely would be displaced. There was a recent change in the guidelines such that a house in the present circumstance will not be permitted to be torn down. Preservation is a priority. Infilling the area with greater density in a residential area is deemed inappropriate. The property is the last link to the demolished mill on River Street near the river. AR will draft the letter to Mass. Housing to be sent by KAB.

Meeting adjourned at 9:31PM

Respectfully submitted


David T. Barrat, Secretary.